

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 7, 1988

ALL COUNTY LETTER NO. 88-120

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: PRELIMINARY INJUNCTION REGARDING HOMELESS DEFINITION OF SHARED HOUSING

ACL 88-77 notified you that a Temporary Restraining Order (TRO) was issued enjoining the Department of Social Services (DSS) from implementing any change to MPP 44-211.512. You were further instructed to read this regulation as though the deleted language were still present. On July 27, 1988, a Preliminary Injunction was signed by the Superior Court of Alameda County. Therefore, the regulation currently in effect is the same regulation promulgated in the emergency regulations which went into effect February 1, 1988. This regulation reads as follows:

An AU is not considered homeless when it is sharing housing, unless the housing is being shared on an emergency basis and is temporary.

DSS has defined "shared housing" for the purpose of assisting CWDs in implementing this provision. Shared housing exists when an AU lives in the same residence with another individual or family and the living arrangement has been ongoing. The living arrangement can be presumed to be ongoing when the AU shares a regular portion of the living expenses, such as rent, mortgage and/or utility bills.

Following are some factors to be considered in determining if an arrangement is a temporary living arrangement on an emergency basis:

- Is there an agreement between the AU and the landlord that the AU is permitted to remain on the premises only on a temporary basis?
- Is there an understanding and an expectation that the AU will quickly move out? Has the caretaker actively searched for another place to live?
- Is the AU's occupancy of the premises in violation of the rental agreement and does the landlord refuse to modify the agreement?
- What is the sleeping arrangement in the home? Does it differ significantly from the arrangement the AU would otherwise have, e.g., are members of the AU sleeping on the floor?

The CWD should attempt to consider as many of these factors as possible when determining if the living arrangement is temporary and on an emergency basis. The above are merely guidelines and should be used in addition to any other available information.

If you have any questions regarding homeless assistance in general, please call Ms. Judy Moore at (916) 324-2017. Questions regarding the Preliminary Injunction should be directed to Ms. Kirsten Salomon at (916) 324-2006.



ROBERT A. HOREL  
Deputy Director